

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JOHNNY M. LAWRENCE,

Plaintiff(s),

v.

JAMIE KRAHNE, et al.,

Defendant(s).

Case No. 2:16-CV-762 JCM (VCF)

ORDER

Presently before the court is plaintiff Johnny Lawrence's "objection to order [doc 13]" and request for a certificate of appealability. (ECF No. 15) (alteration in original). First, plaintiff indicates that he is objecting to his own motion for clarification. *See* (ECF Nos. 13, 15). Next, plaintiff makes no identification of the ruling for which he seeks a certificate of appealability. Accordingly, that request will be denied.

Next, this court considers Magistrate Judge Ferenbach's January 31, 2017, recommendation that the case be closed because this court already dismissed plaintiff's apparent complaint in its August 24, 2016, order. (ECF No. 14). Indeed, plaintiff has not filed an amended complaint or resolved the issues that caused the original dismissal. (*Id.*).

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). If a party fails to object to a magistrate judge's recommendation, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made);

1 *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth  
2 Circuit's decision in *Reyna-Tapia* as adopting the view that district courts are not required to  
3 review "any issue that is not the subject of an objection.").

4 Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine  
5 whether to adopt the recommendation of the magistrate judge.

6 Plaintiff has failed to make a timely objection to the magistrate judge's recommendation.  
7 *See* Local Rule IB 3-1. Upon review of the docket, this court agrees with Magistrate Judge  
8 Ferenbach that plaintiff has made no attempt to file an amended complaint or otherwise respond  
9 to the substance of the order of dismissal. *See* (ECF Nos. 10, 14).

10 Accordingly,


11 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion for  
12 certificate of appealability (ECF No. 15) be, and the same hereby is, DENIED.

13 IT IS FURTHER ORDERED that the recommendation of Magistrate Judge Ferenbach  
14 (ECF No. 14) be, and the same hereby is, ADOPTED in its entirety.

15 IT IS FURTHER ORDERED that plaintiff's second motion for entry of judgment by  
16 default (ECF No. 12) be, and the same hereby is, DENIED as moot.

17 The clerk shall enter judgment accordingly and close the case.

18 DATED March 1, 2017.

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UNITED STATES DISTRICT JUDGE